
State Approval Process & Program Requirements

A. Definitions:

ADIS – Alcohol and Drug Information System

Administrator – means the person in charge, care of control of the treatment program and responsible for the operation of the program.

ARM- Administrative Rules of Montana

Department- means the Department of Public Health and Human Services. For administration of the Chemical Dependency Program, further designation will include Addictive and Mental Disorders Division, Chemical Dependency Bureau.

Eligible Counselor- means an individual who meets eligibility requirements set forth in the MCA and ARM under Department of Labor Rules for licensure.

Facility- means the physical area (grounds, buildings, or portions thereof) where program functions take place under the direct administrative control of a program administrator.

Governing Body- means an individual or group which is legally responsible for the conduct of the program.

HIPPA- Health Insurance Protection and Portability Act

Licensed Addiction Counselor- means an individual meeting standards pursuant of the MCA and corresponding rules and regulations in ARM under Department of Labor Rules for licensure.

Limited Approval- means a status of state approval granted to chemical dependency treatment programs which are requesting approval for the first time and who have not attained substantial compliance specified in the ARM and MCA. Limited approval is granted to provide them with time to comply with standards. Limited approval shall not be issued for more than a 6-month period.

MCA- Montana Code Annotated.

Restricted Approval- means a status of state approval granted to an approved chemical dependency treatment program, which has failed to maintain substantial compliance. Restricted status is issued for a maximum of 90 days in order to allow programs to meet substantial compliance. This approval cannot be renewed.

Revoke-means invalidation of approval of a chemical dependency program.

State Approval Process & Program Requirements

Substantial Compliance- means conformity with at least 70% of the rules and regulations for each applicable service component.

Suspension- means invalidation of approval of a chemical dependency treatment program for any period less than 1 year of until the Department has determined substantial compliance and notifies the program of reinstatement.

Trainee/intern privileges- means authorization by a Licensed Addiction Counselor to allow a trainee or intern to provide counseling services on a progressive basis which are closely monitored and supervised within well described limits and are based on their training, experience, demonstrated competency, ability and judgment.

Volunteers- means a person or persons who offer their services free of charge.

B. Rule Citations:

| Subject Matter | Rule Citation |
|----------------------------------------------|--------------------------------|
| Definitions | 53-24-103 MCA ARM 37.21.102 |
| Facility Standards | 53-24-208 MCA |
| Approval Process | ARM 37.27.106 |
| Administrative Management- Governing Body | ARM 37.27.108 |
| Organization and Management | ARM 37.27.120 |

C. Policies Regarding State Approval Process

- The Department shall establish standards for approval treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility.
- The Department will issue approval for the following service components:
 - Detoxification (emergency care);
 - Inpatient hospital;
 - Inpatient free standing;
 - Intermediate (transitional living);
 - Outpatient treatment; and
 - Substance Abuse Prevention
- A program may be approved for more than one service if the program complies with specific requirements for approval of each service provided.
- Programs providing detoxification (non-medical) must also provide at least one of the other components listed above.
- Facilities applying for approval shall demonstrate a local need currently exists for proposed services and proposed services do not duplicate existing local services.
- The Department shall periodically inspect approved public and private treatment facilities at reasonable times and in a reasonable manner.
- The Department shall maintain a list of approved public and private treatment facilities.
- Each approved public and private treatment facility shall, on request, file with the Department data, statistics, schedules, and information the Department reasonably requires.
- An approved public or private treatment facility without good cause, fails to furnish any data, statistics, schedules or information as requested or files fraudulent returns of requested material must be removed from the list of approved treatment facilities.
- The Department, after holding a hearing in accordance with the Montana Administrative Procedure Act, may suspend, revoke, limit, or restrict an approval or refuse to grant an approval for the failure to meet its standards.

State Approval Process & Program Requirements

- A district court may restrain any violation of the Montana Code Annotated, review any denial, restriction or revocation of approval, and grant other relief required to enforce its provisions.
- Upon petition of the Department and after a hearing held upon reasonable notice to the facility, a district court may issue a warrant to the Department authorizing it to enter and inspect at reasonable times and examine books and accounts of any approved public or private treatment facility that refuses to consent to inspection or examination by the Department or that the Department has made reasonable cause to believe is operating in violation of the MCA and ARM.
- If a rehabilitation facility otherwise meets rehabilitation facility requirements, the Department may consider as eligible for approval during the accreditation period any rehabilitation facility that furnishes written evidence, including the recommendation for future compliance statements, of accreditation of rehabilitation facilities. The Department may, but is not required to inspect a facility considered eligible for approval under the MCA to ensure compliance with state approval standards.

Governing Body for Chemical Dependency Facilities must:

- Be legally responsible for the conduct of the program
- Establish a philosophy of policies and goals
- Have policies in writing governing
 1. Admissions;
 2. Discharges;
 3. length of stay;
 4. diagnostic groups to be served;
 5. scope of services;
 6. treatment regimens;
 7. staffing patterns;
 8. recommendations for continued treatment by referral or otherwise provisions for a continuing evaluation of the program; and
 9. qualifications and responsibilities of the administrator
- Appoint an administrator

State Approval Process & Program Requirements

Organization and Management

The administrative organization of all approval chemical dependency treatment programs shall ensure that:

- Lines and delegation of authority, responsibilities, structure and reporting relationships are explicitly stated in writing and delineate all staff position and functions.
- Supervision is clearly demonstrated.
- Policy and procedure manuals are developed and implemented to describe, in detail, program and personnel services for the organization that meet and include policies and procedures required by the AMR and MCA.
- The policy and procedure manual is reviewed and revised yearly to keep it current. Changes made to the policy and procedure manual must be submitted to the Department.
- The program administrator reports to the governing body at least quarterly on progress toward goals and objectives which contain all required effectiveness indicators.
- The program will develop and conduct program self evaluations and report results to the governing body.
- All clients have Individualized Treatment Plans.
- Adequate staff to meet client requests for services. Professional counseling staff/client ratios are at an acceptable level as determined by the Department.

State Approval Process & Program Requirements

Record Keeping

- All record keeping and contact information must meet HIPPA requirements.
- Security measures need to be adequate and in compliance with the confidentiality rules and regulations including all those deemed necessary by HIPPA.
- If a State-Approved chemical dependency program is receiving public funds through a contract, grant or written agreement with federal, state, county or city agencies, records must be retained 5 years beyond the termination date of said contract, grant or written agreement.
- Records shall be retained beyond the 5-year period if an audit is in process.
- Records shall be retained beyond the 5-year period if any audit findings, litigations or claims involving the records have not been resolved.
- The retention period for each year's records starts from date of submission of the annual or final report of expenditures (financial status report of equivalent).
- If a State-Approved program is not receiving public funds (federal, state, county, or city) records must be retained 5 years beyond the fiscal year end (June 30th) in which that client was most recently discharged from that program.
- Accounting and fiscal procedures are adopted which ensure financial accountability and meet all federal, state and county requirements.

Facilities

- Must be clean and well maintained.
- Must meet current safety and health standards fro type of facility in operation.

State Approval Process & Program Requirements

Insurance

Facilities must maintain:

- at least \$500,000 liability insurance;
- at least \$500,000 professional liability insurance on all staffing providing counseling services; and
- current worker's compensation on all personnel.

Subcontracts and Service Agreements

All agreements must contain the following:

1. Description of Services;
2. Basis for payment;
3. Total amount of contract;
4. Duration of contract;
5. Appropriate signatures of program administration; and
6. Appropriate signatures of representative of governing body.

Personnel, Staff Development and Certification

- There shall be sufficient qualified and certified chemical dependency counselors, clerical and other support staff, who are not of the present client population, to ensure the attainment of program service objectives and properly maintain the chemical dependency treatment facility.
- Supervision of all professional and support staff must be clearly demonstrated. This shall not preclude the assignment of work to a client when the assignment is part of the client's treatment program, the client's work assignment has therapeutic value, and the client works under the immediate supervision of a certified staff member.
- There shall be written and current job descriptions for each position within the program which details:
 1. Duties;
 2. Responsibilities; and
 3. Minimum qualifications.

State Approval Process & Program Requirements

- Certification:
 1. State-Approved programs must comply with personnel certification rules defined in the ARM and MCA.
 2. Failure to adhere to any of the personnel certification rules could result in the suspension or revocation of program approval.
 3. Programs must ensure adequate supervision of eligible staff in the certification process.
- Programs shall maintain personnel files on each employee which contains:
 1. a job description;
 2. resume and/or application;
 3. payroll records;
 4. performance evaluation; and
 5. documentation of certification and training.
- A planned, supervised orientation shall be provided to each new employee within 30 days of employment to acquaint him/her with:
 1. the organization of the program;
 2. physical plant layout;
 3. his/her particular duties and responsibilities
 4. the policies;
 5. the procedures;
 6. equipment which are pertinent to his/her work; and
 7. the disaster plan for the facility.
- Each employee shall have a tuberculin test upon employment.
- Employees with a communicable disease in an infectious stage shall not be on duty.
- Chemical dependency treatment programs may use volunteers provided that
 1. Selection criteria are established;
 2. A written plan is available describing how volunteers will be used;
 3. Volunteers are provided:
 - a. Orientation;
 - b. Ongoing training; and
 - c. They sign a confidentiality statement.

State Approval Process & Program Requirements

4. Volunteer hours are documented as per ADIS reporting procedures;
and
 5. Volunteers are not used for counseling unless they are certified or eligible.
- Programs may develop a trainee /intern practicum providing that:
1. All trainee/intern progress notes are co-signed by a Licensed Addiction Counselor;
 2. A system of trainee/intern privileges is established based on training and competency;
 3. An outline of the practicum has been reviewed by the Department;

D. Procedures and Documentation Requirements

- The certificate of approval shall be issued annually to those approved chemical dependency treatment programs which remain in substantial compliance with the ARM and MCA.
- Chemical dependency treatment programs seeking Department approval of one or more chemical dependency services shall submit a written application to the Department on a form provided by the Department. This form is found in this on the Internet at: <http://www.dphhs.mt.gov/qad/healthcarefacilities.shtml> in the Chemical Dependency Treatment Center Packet.
- The application shall include a detailed description of the facility, personnel and services to be provided.
- A letter from the applicant, including supporting information and statistics, showing there is a need in the community for the type of services requested in the application and does not duplicate existing services.
- If applicable, evidence the program has met the certificate of need rules and regulations as required by the Montana Certificate of Need Law.
- Evidence the need for requested services are included in the county plan.
- Within 30 days of receiving the application, the Department will notify the applicant in writing of acceptance or denial of the application.
- If the Department denies the application for approval, the applicant has 30 days to request a formal hearing as provided for in the Montana Administrative Procedure Act. If a response is not received at the end of 30 days, the Department may refuse to grant approval and shall notify the applicant agency.
- If the application is approved, the Department will notify the agency in writing and copies of all written documents required by the ARM and MCA shall be requested.
- If written documents submitted to the Department do not meet requirements of the ARM and MCA, the Department shall notify the applicant in writing. The applicant shall have 30 days from date of notification to respond in writing to the content of the notice. If the response is not received within 30 days, the Department may refuse to grant approval and shall notify the applicant in writing of the action taken.
- If written documents submitted to the Department do meet the requirements of the ARM and MCA, the Department shall have the program inspected to ensure

State Approval Process & Program Requirements

compliance with requirements of the ARM and MCA. After inspection, the Department shall either approve the program to provide one or more services listed in the manual, or refuse to grant approval. The Department shall send written notification of approval of the program as an approved chemical dependency treatment program or shall send written notification of deficiencies which resulted in the refusal to grant approval.

- The Department may grant limited approval to chemical dependency treatment programs when Department staff are unable to determine, without a period of operation, whether the program will comply with the ARM and MCA. Limited approval shall expire automatically after 6 months and may not be renewed. Such expiration shall not be considered a suspension or revocation.
- The Department may revoke or suspend any service component covered by the Chemical Dependency Program if a program ceases to provide those services for which it has been approved.